

## **REMARKS**

### **The Pending Claims**

Claims 1, 5-10, and 12-24 remain pending, including pending Independent Claims 1, 21, and 23. Claims 5-10, 12-20, 22, and 24 are the pending dependent claims. This response includes no amendments to the pending claims.

### **The Various §103 Rejections of the Claims**

In Sections 4, 5, 6, and 7 of the 17 July 2008 Office Action, all of the pending claims are rejected under §103(a) as obvious over USPN 6,221,411 B1, to Sanfilippo et al in view of US 2002/0182102 to Fontenot et al, either alone or in combination with additional prior art. Each of these rejections relies upon Sanfilippo et al for the disclosure of a meat product, and an absorbent pad, a tray, and a lid over the product and tray and sealed under less than 1% oxygen atmosphere, as well as vacuum packaging. The Office Action admits that Sanfilippo et al is silent in teaching a particular structure for the absorbent pad as recited in Applicants' claims.

However, the rejections go on to rely upon Fontenot et al for the disclosure of a liner (citing Paragraph 0026) for a container (citing Paragraph 0030) for the purpose of absorbing meat juices (citing Paragraph 0083), the liner having an upper web comprising a flexible film (citing Paragraphs 0050-0051 and Figure 2) and a liquid permeable lower web comprising nonwoven fiber (citing Paragraph 0058 and Figure 2 of Fontenot et al), and a hydrophilic composition thereon (citing Paragraph 0059), the fiber comprising polyolefin (citing Paragraph 0059) and an absorbent layer between the upper web and the lower web (citing Paragraph 0056 and Figure 2). The Office

Action concludes that one of ordinary skill in the art would have recognized the advantage of providing for the liner of Fontenot et al in Sanfilippo et al, which comprises a tray and therefore a container.

In response, Applicants contend that the Office Action fails to set forth a prima facie case of obviousness of any one or more of pending independent Claims 1, 21, and 23. Each of independent Claims 1, 21, and 23 recites:

- ...an absorbent pad comprising
  - (i) an upper web comprising a flexible film;
  - (ii) a liquid-permeable lower web comprising nonwoven fiber having a hydrophilic composition thereon, the nonwoven fiber comprising at least one member selected from the group consisting of polyolefin, polyamide, and polyester; and
  - (iii) an absorbent layer between the upper web and the lower web;...

Attention is directed to the fact that Applicants' recited absorbent pad has an *upper* web comprising a flexible film. In contrast, and contrary to the statements in the office action, the cross-section of the liner of FIG. 2 of Fontenot et al illustrates "impervious backing layer 16" (item 16 is identified in paragraph 0033) as the *lower* layer of the liner, rather than corresponding with Applicants' recited *upper* web. The fact that impervious backing layer 16 of Fontenot et al is the lower layer is readily apparent from Paragraph 0055 of Fontenot et al:

In order to help reduce slippage of the liner during use, an *outer surface of the liquid impervious layer that will come into contact with the container, drawer or shelf* desirable has a coarse, rough or tacky surface. [Paragraph 0055 of Fontenot et al, emphasis added]

Clearly, the outer surface of the liquid impervious layer of Fontenot et al (i.e., liquid impervious layer 16) that "...comes into contact with the container, drawer or shelf..." would have to be in a position corresponding with the *lower* web 14 of Applicants' invention as illustrated in Applicants'

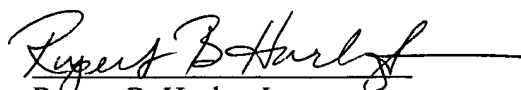
FIG. 2. However, Applicants' claims recite a lower web that is liquid permeable, not liquid impermeable. The position of Applicants' liquid-permeable lower web corresponds with the position of the liquid impervious (backing) layer 16 of Fontenot et al. Likewise, the liquid pervious layer 12 of Fontenot et al is the *upper* layer of the container (see Figure 2 and Paragraph 0058), whereas Applicants' independent claims recite a liquid-permeable *lower* web comprising nonwoven fiber having a hydrophilic composition thereon.

Thus, it is apparent that Fontenot et al teaches the reverse of Applicants' recited liquid permeable web: Applicants' claims recite this web as the lower web, while Fontenot et al teaches this web as the upper web. The difference is a clear basis showing that no prima facie case of obviousness has been made out in the 17 July Office Action. Each of the §103 rejections relies upon the combination of Sanfilippo et al in view of Fontenot et al for the combination of a packaging having an absorbent pad having a liquid-permeable lower web, thereby repeatedly relying upon an inaccurate interpretation of Fontenot. As such, Applicants respectfully request withdrawal of each of the §103 rejections based on Sanfilippo et al in view of Fontenot et al.

#### Conclusion

Reconsideration of the patentability of Claims 1, 5-10, and 13-24 is respectfully requested, with a view towards allowance.

Respectfully Submitted,



Rupert B. Hurley Jr.

Reg. No. 29,313

Attorney for Applicants

(864) 433-3247

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